

AMENDED

Nº 36872

**APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office MAR 2 1979
 Returned to applicant for correction APR 20 1979
 Corrected application filed MAY 25 1979
 Map filed MAY 31 1979

The applicant Duval Corporation
c/o Chilton Engineering 421 Court, of Elko
Street and No. or P.O. Box No. City or Town
Nevada 89801, hereby make application for permission to appropriate the public
State and Zip Code No.
 waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) August 18, 1926 - Texas
qualified in Nevada June 5, 1962

1. The source of the proposed appropriation is Underground Well No. M-3
Name of stream, lake or other source.
2. The amount of water applied for is 1.0 cfs second-feet
One second-foot equals 448.83 gals. per min.
 (a) If stored in reservoir give number of acre-feet acre-feet
3. The water to be used for Mining, Milling & Domestic
Irrigation, power, mining, manufacturing, domestic, or other use.
4. If use is for:
 - (a) Irrigation (state number of acres to be irrigated)
 - (b) Stockwater (state number and kinds of animals to be watered)
 - (c) Other use (describe fully under "No. 12. Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point: Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 9,
T30N, R43E, MDM, at a point from which the SE corner of said section
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,
9 bears S 22° 57' E 959 feet
it should be stated.
6. Place of use Section 9 and 10, T.30N., R.43E., MDM
Describe by legal subdivision, if on unsurveyed land it should be so stated.
7. Use will begin about January 1 and end about December 31, of each year.
Day and Month Day and Month
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) drilled and cased well equipped
with deep well turbine or submersible pump
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works.....\$20,000.00
10. Estimated time required to construct works.....3 years
11. Estimated time required to complete the application to beneficial use.....5 year
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Well will be used as a monitoring well at base of tailings pond and if necessary, water will be recirculated into tailings pond for additional treatment.

Applicant Duval Corporation

By s/ William A. Nisbet
Agent
421 Court
Elko, Nevada 89801

Compared *LP/bk* ja/bt

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed.

The total combined duty of water under this permit and Permits 22884, 36871, 36873, shall not exceed 679.4 million gallons annually.

The well under this permit is primarily for groundwater quality monitoring and if necessary, for pumpage into an existing tailings pond where the contaminated water will be recirculated for additional treatment.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal, and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 235.9 million gallons annually.

Actual construction work shall begin on or before N/A

Proof of commencement of work shall be filed before N/A

Work must be prosecuted with reasonable diligence and be completed on or before November 12, 1984

Proof of completion of work shall be filed before December 12, 1984

Application of water to beneficial use shall be made on or before November 12, 1987

Proof of the application of water to beneficial use shall be filed on or before December 12, 1987

Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed JAN 02 1985
Completion of work filed JAN 13 1993
Proof of beneficial use filed
Cultural map filed
Certificate No. 13748 Issued SEP 17 1993
Recorded Bk. Page
County Recorder

IN TESTIMONY WHEREOF, I, PETER G. MORROS
State Engineer of Nevada, have hereunto set my hand and the seal of
my office, this 12th day of NOVEMBER

A.D. 19 82

Abrogated By: 66372-1-0082

State Engineer